



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
MICHELLE GONZALEZ, RN	:	FINAL ORDER
License # 26NR07221600	:	OF DISCIPLINE
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Michelle Gonzalez ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about April 01, 2013, Respondent completed and submitted an online biennial renewal for the period of June 1, 2013 to May 31, 2015.

3. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application.

4. Upon receipt of information indicating that Respondent was arrested on December 01, 2013 by the Woodland Park Borough Police Department for violation of N.J.S.A. 2C:20-11 (Shoplifting), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Clifton, New Jersey, via regular and certified mail on or about December 03, 2013. The regular mailing was not returned. The certified mailing was unclaimed and returned on or about December 28, 2013.

5. To date, Respondent has not responded to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to

N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on December 1, 2014, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon the respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order. She claimed she had already faxed to the Board the information requested, including documentation of continuing education, in December of 2013. She claims that was unable to locate her folder with the continuing education she had completed for the 2011-2013 licensing cycle because she sold her house and underwent divorce. Respondent has documented completion of thirty contact hours of continuing education completed in December of 2014

which is being applied to remedy the deficiency for the 2011-2013 licensing cycle. In addition, respondent has provided the information requested in the Board's original letter of inquiry concerning her shoplifting arrest. Respondent has asked for consideration based upon financial hardship following the sale of her house at a loss, and due to emotional turmoil. The Board notes, however, that generally continuing education providers will provide certificates of completion for continuing education even years after-the-fact, and further notes that respondent has simply asserted, without documentation of any kind, that she provided a response in December of 2013 to the Board's original inquiry. Respondent's failure to respond resulted in an unnecessary expenditure, on the Board's part, of time and effort, as it proved necessary to issue an order to obtain the information it requested. As respondent has now fully responded to the Board's inquiry, the Board finds suspension no longer applicable, but the Board has determined that the Provisional Order should be finalized with the imposition of a reprimand for misrepresentation on her 2013 renewal application with regard to the status of continuing education completed, a \$500 penalty for her initial failure to cooperate, and a \$250 civil penalty for failure to timely complete continuing education.

ACCORDINGLY, IT IS on this 9th day of April, 2015,
ORDERED that:

1. A reprimand is hereby imposed on Respondent for misrepresentation in connection with the continuing education information on her license renewal application.

2. Respondent is hereby assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent has provided in response to the letter of inquiry, if warranted, or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy PhD APN*
Patricia Murphy, PhD, APN
President